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July 22, 2021

Hon. Robert W. Lehrburger
United States Magistrate Judge (S.D.N.Y.)
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Microbot Medical, Inc. v. Alliance Investment Management and Joseph L. Mona*
19 Civil 3782 (GBD)(RWL)
Request To Compel Appearance of Joseph L. Mona To Appear For Oral Deposition

Your Honor:

Plaintiff Microbot Medical, Inc. hereby moves for an Order compelling Joseph L. Mona to appear and submit to examination on oral questions at a time of his convenience within the next five weeks.

A courtesy request was made of Mr. Mona's counsel for a time for Mr. Mona's examination week before last. The response was that October would be the earliest such an examination could be had as one of Mr. Mona's counsel would be on vacation "the last two weeks of August and then it is start of school and Jewish holidays" Mr. Mona is represented by a firm of attorneys, some member or employee of which could surely attend, and he has made no representation that he is Jewish nor that he has school aged children. In fact one of his children, whom we would also like to examine, has made representations to the court that he holds investment power over Mr. Mona's brokerage account or accounts – hardly what one would expect of a schoolboy. This is delay for the sake of delay.

Mr. Mona's counterclaim is based almost entirely on oral conversations he claims to have had with non-employees of Microbot but whose words he charges to Microbot. Exploring the content of those conversations is essential to Microbot's defense.

We request that Mr. Mona be directed to appear and be examined at a date and time certain prior to the end of next month.

Very truly yours,

David Lopez

DL/el

Cc: All Counsel Of Record via ECF

Request to compel for deposition in August is DENIED. Mr. Mona's deposition may take place in September. The parties shall cooperate in good faith to schedule his deposition for a mutually convenient time and place. By August 10, 2021, the parties shall jointly file a proposed case management schedule.

SO ORDERED:

7/26/2021

A handwritten signature in black ink, appearing to be 'R. Lehrburger', written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE